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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 LAVERN CHARLES FASTHORSE

Case No. 2:19-cv-00196-APG-NJK

7 Plaintiff,

ORDER

8 v.

9 HERNANDEZ, *et al.*,

10 Defendants.

11
12 **I. DISCUSSION**

13 On February 1, 2019, Plaintiff, who is a prisoner in the custody of the Nevada Department
14 of Corrections (“NDOC”), submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 without
15 paying a filing fee or filing an application to proceed *in forma pauperis*. Docket Nos. 1, 1-1. On
16 February 4, 2019, the Court informed Plaintiff that if he did not pay the filing fee, he was required
17 pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2 to complete an application to proceed
18 *in forma pauperis* and attach both an inmate account statement for the past six months and a
19 properly executed financial certificate. Docket No. 3 at 1. The Court therefore ordered Plaintiff
20 to either pay the filing fee or file a complete application to proceed *in forma pauperis*, including
21 the required financial attachments. *Id.* at 1-2.

22 On February 13, 2019, Plaintiff filed an application to proceed *in forma pauperis*, but failed
23 to include a financial certificate with that application. Docket No. 4. An application to proceed
24 *in forma pauperis* must include both an inmate account statement for the past six months and a
25 properly executed financial certificate. Therefore, Plaintiff’s application to proceed *in forma*
26 *pauperis* application is denied without prejudice.

27 The Court will give Plaintiff one final opportunity either to pay the required filing fee or
28 file a complete application to proceed *in forma pauperis*, including both a properly executed

1 financial certificate and an inmate account statement for the last six months. The Court will retain
2 Plaintiff's civil rights complaint, Docket No. 1-1, but will not file it until the matter of the payment
3 of the filing fee is resolved.

4 **II. CONCLUSION**

5 For the foregoing reasons,

6 IT IS ORDERED that Plaintiff's application to proceed *in forma pauperis*, Docket No. 4,
7 is DENIED without prejudice to file a new application.

8 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
9 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document
10 entitled information and instructions for filing an *in forma pauperis* application.

11 IT IS FURTHER ORDERED that, no later than April 29, 2019, Plaintiff shall either: (1)
12 file a fully complete application to proceed *in forma pauperis*, on the correct form with both an
13 inmate account statement for the past six months and a properly executed financial certificate; or
14 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
15 administrative fee).

16 IT IS FURTHER ORDERED that, if Plaintiff does not timely comply with this order,
17 dismissal of this action may result.

18 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint, Docket
19 No. 1-1, but shall not file it at this time.

20 DATED: March 28, 2019.

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24 NANCY J. KOPPE
25 UNITED STATES MAGISTRATE JUDGE
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